

House File 2487 - Reprinted

HOUSE FILE 2487

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 687)

(As Amended and Passed by the House April 23, 2018)

A BILL FOR

1 An Act relating to the assessment of an agricultural property
2 offense surcharge on criminal offenses involving crops,
3 livestock, or honeybees and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.8102, subsection 135A, Code 2018, is
2 amended to read as follows:

3 135A. Assess the surcharges provided by sections 911.1,
4 911.2, 911.2A, 911.2B, 911.2C, 911.3, and 911.4, and 911.5.

5 Sec. 2. Section 602.8108, Code 2018, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 5A. The clerk of the district court shall
8 remit all moneys collected from the agricultural property
9 offense surcharge as provided in section 911.5 to the state
10 court administrator. The moneys are appropriated to the
11 judicial branch for purposes of supporting judicial branch
12 operations.

13 Sec. 3. Section 902.9, subsection 2, Code 2018, is amended
14 to read as follows:

15 2. The surcharges required by sections 911.1, 911.2,
16 911.2A, and 911.3, and 911.5 shall be added to a fine imposed
17 on a class "C" or class "D" felon, as provided by those
18 sections, and are not a part of or subject to the maximums set
19 in this section.

20 Sec. 4. Section 903.1, subsection 4, Code 2018, is amended
21 to read as follows:

22 4. The surcharges required by sections 911.1, 911.2,
23 911.2A, 911.3, and 911.4, and 911.5 shall be added to a fine
24 imposed on a misdemeanor as provided in those sections,
25 and are not a part of or subject to the maximums set in this
26 section.

27 Sec. 5. NEW SECTION. 911.5 **Agricultural property offense**
28 **surcharge.**

29 1. In addition to any other surcharge, the court or clerk
30 of the district court shall assess an agricultural property
31 offense surcharge equal to thirty-five percent of the fine or
32 forfeiture imposed upon a conviction for committing any of the
33 following:

34 a. Theft of agricultural property under section 714.2,
35 subsection 1, 2, or 3.

1 *b.* Criminal mischief under section 716.3, 716.4, or 716.5,
2 by damaging, defacing, altering, or destroying agricultural
3 property.

4 2. As used in this section, agricultural property means any
5 of the following:

6 *a.* A crop as defined in section 717A.1.

7 *b.* Livestock as defined in section 717.1.

8 *c.* (1) A colony or package as defined in section 160.1A,
9 or a hive where bees are kept as described in section 160.5,
10 if the department of agriculture and land stewardship is
11 authorized by that chapter to inspect the colony, package, or
12 hive or to regulate the movement of the colony, package, or
13 hive.

14 (2) A queen bee that is part of a colony or is being moved
15 to be part of a colony as described in subparagraph (1).

16 3. The surcharge shall be remitted by the clerk of the
17 district court as provided in section 602.8108, subsection 5A.